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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Angola, Austria, Belgium*, Canada, Cape Verde, Denmark, France, Finland*, Germany*, Greece*, Iceland*, Ireland, Italy, Luxembourg*, Mozambique, Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Situation of human rights in East Timor

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes

(a) The report of the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

4. Decides

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.